

Rec'd PCT/PTO 30 NOV 2005

#6

Express Mail Label No. _____

Dated: _____

Docket No.: 20304/0202873-US0
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Nedjeljko Kujundzic et al.

Application No.: 10/534,261

Filed: May 6, 2005

Confirmation No.: 1014

Art Unit: N/A

Examiner: Not Yet Assigned

For: SUBSTITUTED 9A-N-[N'-
(BENZENESULFONYL)CARBAMOYL-Y-
AMINOPROPYL] AND 9A-N-[N'(B-
CYANOETHYL)-N'-
(BENZENESULFONYL)CARBAMOYL-Y-
AMINOPROPYL]DERIVATIVES OF 9-
DEOXO-9-DIHYDRO-9A-AZA-9A-
HOMOERITHOMYCIN A AND.

RECEIVED

24 FEB 2006

Legal Staff
International Division

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
& REQUEST FOR FILING FEE OVERPAYMENT REFUND

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed September 30, 2005, Applicant respectfully submits a Combined Declaration and Power of Attorney, a Second Preliminary Amendment, an Information Disclosure Statement, an Information Disclosure Citation (PTO SB/08), and Part 2 Copy of Notice.

Please note the following payment history regarding the above-noted matter:

\$ 200.00

\$ 500.00

\$ 400.00

\$1,100.00

Total charged to Deposit Account No. 04-0100 by USPTO on
June 10, 2005

\$ 500.00

\$1,200.00

\$ 360.00

\$2,060.00

Total charged to Deposit Account No. 04-0100 by USPTO on
October 12, 2005

\$3,160.00

Total amount charged to Deposit Account No. 04-0100 by USPTO

\$ 300.00

Payment submitted with application as filed on May 6, 2005

\$3,460.00

- 400.00

Refunded by USPTO to Deposit Account No. 04-0100 on
October 12, 2005

\$3,060.00

**Total amount paid to the USPTO toward the present applications
filing fees**

\$1,530.00

Total amount actually due for the filing of said application (please see
the attached Fee Transmittal sheet)

\$1,530.00

Refund due Darby & Darby, P.C. for overpayment of filing fees

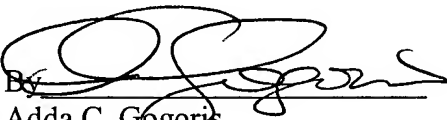
Accordingly, we respectfully request that a refund of \$1,530.00 be applied to our
Deposit Account No. 04-0100 for the excess payment of filing fees.

Further, the Notification of Missing Requirements has incorrectly noted that a paper copy and a computer readable form of a Sequence Listing are required in this matter. Please note that no nucleotide and/or amino acid sequences have been disclosed or claimed in the subject application. Therefore, no Sequence Listing is required for and none will be submitted.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: November 4, 2005

Respectfully submitted,


By

Adda C. Gogoris

Registration No.: 29,714

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant

03/16/2007 BCAMPBEL 00000007 040100 10534261

01 FC:1617

130.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO 30 NOV 2005
M.R. Charles

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/534,261	Nedjeljko Kujundzic	20304/0202873-US0

INTERNATIONAL APPLICATION NO.

PCT/HR03/00057

I.A. FILING DATE	PRIORITY DATE
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11/10/2003

11/11/2002

7278

DARBY & DARBY P.C.

P. O. BOX 5257

NEW YORK, NY 10150-5257

DUE: Nov. 30, 2005

Docketed on 10/7/05 by L/C for

Docketed without file

Attorney

CONFIRMATION NO. 1014

371 FORMALITIES LETTER



OC000000017149799

Date Mailed: 09/30/2005

4-30-06

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/06/2005
- Copy of the International Search Report filed on 05/06/2005
- Copy of IPE Report filed on 05/06/2005
- Preliminary Amendments filed on 05/06/2005
- U.S. Basic National Fees filed on 05/06/2005
- Priority Documents filed on 05/06/2005
- Specification filed on 05/06/2005
- Claims filed on 05/06/2005
- Abstracts filed on 05/06/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

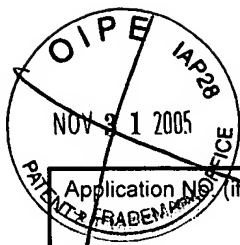
*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/534,261	PCT/HR03/00057	20304/0202873-USO



1433 Rec'd PCT/PTO 31 NOV 2005

534.261

Application No. (if known): 10/534,261

Attorney Docket No.: 20304/0202873-US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. _____ in an envelope addressed to:

EV 692136476-US

MS PCT
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Alexandria, VA 22313-1450

on November 30, 2005
Date

B.W. Lee
Signature

B.W. LEE

Typed or printed name of person signing Certificate

Registration Number, if applicable _____

Telephone Number _____

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)
Response to Notice to File Missing Parts of Application & Request for
Filing Fee Overpayment Refund (3 pages)
Combined Declaration and Power of Attorney (4 pages)
Second Preliminary Amendment (6 pages) *w/*
Information Disclosure Statement (2 pages) *Refs*
PTO SB/08 (1 page)
Part 2 Copy of Notice (2 pages)
Return Receipt Postcard